

**FILED**  
UNITED STATES DISTRICT COURT  
SANTA FE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

APR 23 2015

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BO CAI,

Defendant.

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MATTHEW J. DYKMAN  
CLERK  
Criminal No. 13-4044 MV

STIPULATED JUDICIAL ORDER OF REMOVAL

Upon the Application of the United States; upon the Factual Allegations in Support of Judicial Order of Removal; upon the statement and consent of BO CAI ("defendant") and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native of China and a citizen of China.
3. The defendant was admitted to the United States as a non-immigrant visitor, B-1/B-2 visa, at Los Angeles International Airport, Los Angeles, CA on or about December 4, 2013 with authorization to remain in the United States until April 8, 2014.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, District of New Mexico, of the following counts charged in the Superseding Indictment: Count One: Unlawful Export of Defense Articles in violation of Title 22 United States Code, Sections 2778(b)(2) and (c) and 22 C.F.R. Parts 121 and 127, and Aiding and Abetting in violation of Title 18 United States Code, Section 2; Count Two: Smuggling in violation of Title 18 United States Code, Section

554; and Count Three: Conspiracy in violation of Title 18 United States Code, Section 371.

5. The maximum term of imprisonment for a conviction of Count One- violations of Title 22 United States Code, Sections 2778(b)(2) and (c), 22 C.F.R. Parts 121 and 127, and Title 18 United States Code, Section 2- is twenty (20) years. The maximum term of imprisonment for a conviction of Count Two- violation of Title 18 United States Code, Section 554- is ten (10) years. The maximum term of imprisonment for a conviction of Count Three- violation of Title 18 United States Code, Section 371- is five (5) years. The total maximum term of imprisonment on Counts One, Two, and Three is thirty-five (35) years.

6. The defendant is, and at sentencing will be, subject to removal from the United States pursuant to: (1) Section 237(a)(1)(C)(i) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1227(a)(1)(C)(i), as an alien who was admitted as a nonimmigrant and who has failed to maintain the nonimmigrant status in which the alien was admitted or to which it was changed under 8 U.S.C. § 1258, or to comply with the conditions of any such status; and (2) Section 237(a)(4)(A)(i) of the INA, 8 U.S.C. § 1227(a)(4)(A)(i), as an alien who has engaged, is engaged, or at any time after admission engages in any activity to violate any law of the United States relating to espionage or sabotage or to violate or evade any law prohibiting the export from the United States of goods, technology, or sensitive information.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant is ordered promptly removed from the United States to China.

  
UNITED STATES DISTRICT JUDGE